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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,773	06/27/2003	Remy Zimmermann	09623V-044700US	8142
20350 7590 02/07/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER MABINI, MARVIN	
			ART UNIT 2153	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/608,773	Applicant(s) ZIMMERMANN ET AL.	
	Examiner Marvin Mabini	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/20/2005</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is directed to enabling a camera to function as an instant messenger client. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for enabling the camera, receiving messages and the camera becomes a buddy on the instant messenger. The invention does not itself produce any tangible result by enabling and receiving messages, it is merely a set of computations/processing when the camera is enabled and the message received is simply manipulated data. In addition, becoming a buddy seems to be series of computations/processing only, since the applicant does not claim that the "buddy"

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appears or is displayed on the instant messenger. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0050062 to Chen et al (hereinafter "Chen") in view of US Patent Application Publication 2003/0117280 to Prehn (hereinafter "Prehn").

As per claim 1, Chen discloses a method for communicating with a camera connectable to a network (see network and devices – Chen page 3 paragraph 27; note devices include cameras, Chen page 6 paragraph 76), the method comprising: enabling the camera to function as a unique instant messenger client for an instant messenger service (see Instant Messenger – Chen page 5 paragraph 59 and page 3 paragraph 30); whereby the camera, instead of a human user, acts as the instant messenger client and becomes a buddy on the instant messenger service (see Chen figure 4 and

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paragraph 37; note that the user sends commands to the camera by messaging the "buddy" in the instant messaging session).

Chen does not disclose expressly receiving messages from the camera over the network via the instant messenger service.

The concept of receiving messages from camera is well known in the art as illustrated by Prehn, which teaches receiving messages from the camera over the network via the instant messenger service (see Prehn page 3 paragraph 19 and page 4 paragraph 23; note the camera sends messages via instant messenger, also see paragraph 32).

Chen and Prehn are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen with the teaching of Prehn. The motivation is to allow real-time communication through the instant messaging feature by messaging the user directly.

As per claim 2, Chen-Prehn discloses wherein the enabling of the camera to function as an instant messenger client comprises: registering a unique login with the instant messenger service for the camera (see device user name – Chen page 5 paragraph 59; note device is registered); and programming the unique login into the camera (see username and password – Chen page 5 paragraph 59, note that the profile's username and password is a unique login).

As per claim 3, Chen-Prehn discloses pre-defining at least one pre-existing user of the instant messenger service with whom the camera is allowed to communicate (see legitimate users – Chen page 4 paragraph 38).

As per claim 4, Chen-Prehn discloses sending messages to the camera over the network over the instant messenger service (see remote control commands – Chen page 6 paragraph 86; note that the command messages are sent to the camera using the instant messenger service, see paragraph 30).

As per claim 5, Chen-Prehn discloses pre-defining at least one message which can be sent to the camera (see device profile – Chen page 4 paragraph 37, note that the device profile includes predefined commands that can be send to the device/camera see page 5 paragraph 89), and at least one action to be taken by the camera upon receiving the message (see “turns on the camera” – Chen page 7 paragraph 94, note that the action to turn on the camera is executed upon receiving the message).

As per claim 6, Chen-Prehn discloses all the limitations of claim 6 (see rejection above of claim 1 from which claim 6 depend).

Chen does not disclose expressly, wherein the messages received from the camera over the network via the instant messenger service are initiated by the camera in response to a pre-specified criterion being satisfied.

The concept of sending messages in response to a pre-specified criterion is well known in the art as illustrated by Prehn which teaches the messages received from the camera over the network via the instant messenger service are initiated by the camera in response to a pre-specified criterion being satisfied (see Prehn page 3 paragraph 19; note that the camera analyzes images and based on the specific criteria, i.e. intruder presence, a message is sent using the instant message device, also see paragraph 32).

Chen and Prehn are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen with the teaching of Prehn. The motivation is to allow real-time communication through the instant messaging feature by messaging the user directly to inform about certain events that occur.

As per claim 7, Chen-Prehn discloses wherein the camera is a webcam (see camera – Chen paragraph 89; note that camera is connected to the network, ie internet).

As per claim 8, Chen-Prehn discloses all the limitations of claim 8 (see rejection above of claim 7 from which claim 8 depend).

Chen does not disclose expressly, wherein the webcam initiates sending a message over the network via the instant messenger service when the webcam detects motion.

The concept of sending message when detecting motion is well known in the art as illustrated by Prehn which teaches the webcam initiates sending a message over the network via the instant messenger service when the webcam detects motion (see Prehn page 3 paragraph 19; note that the camera analyzes images, a message is sent using the instant message device, also see paragraph 32; note that analyzing images can take into account detecting motion, see motion detectors, paragraph 31).

Chen and Prehn are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen with the teaching of Prehn. The motivation is to allow real-time communication through the instant messaging feature by messaging the user directly to inform that presence is detected in the vicinity of the camera.

As per claim 10, Chen-Prehn discloses, a method for communicating with a camera using an instant messenger service (see instant message session – Chen page 6 paragraph 86; note devices include cameras, Chen page 6 paragraph 76), the method comprising:

- enabling the camera to function as an instant messenger client for the instant messenger service (see Instant Messenger – Chen page 5 paragraph 59 and page 3 paragraph 30);



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- connecting the camera to a network (see network and devices – Chen page 3 column 27; note devices include cameras, Chen page 6 paragraph 76);
- sending messages to the camera over the network over the instant messenger service (see Chen figure 4 and 94; note that the user sends commands to the camera by messaging the “buddy” in the instant messaging session, also see paragraph 30); whereby the camera, instead of a human user, acts as the instant messenger client, and becomes a buddy on the instant messenger service (see Chen paragraph 37 where the buddy user is used to communicate with the camera).

Chen does not disclose expressly receiving messages from the camera over the network over the instant messenger service.

The concept of receiving messages from camera is well known in the art as illustrated by Prehn, which teaches receiving messages from the camera over the network over the instant messenger service (see Prehn page 3 paragraph 19 and page 4 paragraph 23; note the camera sends messages via instant messenger, also see paragraph 32).

Chen and Prehn are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen with the teaching of Prehn. The

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motivation is to allow real-time communication through the instant messaging feature by messaging the user directly.

As per claim 11, Chen-Prehn discloses pre-defining at least one message which can be sent to the camera (see device profile – Chen page 4 paragraph 37, note that the device profile includes predefined commands that can be send to the device/camera see page 5 paragraph 89), and at least one action to be taken by the camera upon receiving the message (see “turns on the camera” – Chen page 7 paragraph 94, note that the action to turn on the camera is executed upon receiving the message).

As per claim 12, Chen-Prehn discloses all the limitations of claim 12 (see rejection above of claim 10 from which claim 12 depend).

Chen does not disclose expressly, wherein the messages received from the camera over the network are initiated by the camera in response to a pre-specified criterion being satisfied.

The concept of sending messages in response to a pre-specified criterion is well known in the art as illustrated by Prehn which teaches the messages received from the camera over the network are initiated by the camera in response to a pre-specified criterion being satisfied (see Prehn page 3 paragraph 19; note that the camera analyzes images and based on the specific criteria, i.e. intruder presence, a message is sent using the instant message device, also see paragraph 32).

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Chen and Prehn are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen with the teaching of Prehn. The motivation is to allow real-time communication through the instant messaging feature by messaging the user directly to inform about certain events that occur.

As per claim 13,

A camera enabled to function as a unique instant messenger user over a network, the camera comprising:

- an autonomous IM application module (see AIM – Chen page 3 paragraph 30), which identifies the camera as a unique instant messenger user to an instant messenger service (see Chen paragraph 37 where the buddy user is used to communicate with the camera); and
- a network interface coupled to the autonomous IM application module (see TCP interface – Chen page 3 paragraph 30), to connect to the network to communicate with at least one other instant messenger user over the instant messenger service (see internet – Chen page 3 paragraph 30; note that the instant messenger, AIM, is connected over the internet and can communicate with another instant messenger service); whereby the camera, instead of a human user, acts as the instant messenger client, and becomes a buddy on the instant messenger service

(see Chen paragraph 37, where the buddy user is used to communicate with the camera).

As per claim 14, Chen-Prehn discloses the autonomous imaging module initiates communication with the at least one other instant messenger user (see Chen figure 4 and paragraph 86; note that the instant messaging session involves two users).

As per claim 15, Chen-Prehn discloses the camera is a webcam (see camera – Chen paragraph 89; note that camera is connected to the network, ie internet).

As per claim 18, Chen-Prehn discloses a predefined instructions module coupled to the autonomous IM application (see device profile – Chen page 4 paragraph 37, note that the device profile includes predefined commands that can be send to the device/camera see page 5 paragraph 89), to instruct the camera regarding interpreting instant messages received from the at least one other instant messenger user (see “turns on the camera” – Chen page 7 paragraph 94, note that the action to turn on the camera is executed upon receiving the message based on the device profile).

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0050062 to Chen et al (hereinafter “Chen”) in view of US Patent Application Publication 2003/0117280 to Prehn (hereinafter “Prehn”).

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in further view of US Patent Application Publication 2004/0122896 to Gourraud (hereinafter "Gourraud").

As per claim 16, Chen-Prehn discloses all the limitations of claim 16 (see rejection above of claim 13 from which claim 16 depend).

Chen-Prehn does not disclose expressly wherein the camera is compliant with a Session Initiation Protocol, SIP.

The concept of devices compliant with SIP is well known in the art as illustrated by Gourraud which, teaches the camera is compliant with a Session Initiation Protocol, SIP (see SIP – Gourraud paragraph 59).

Chen-Prehn and Gourraud are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen-Prehn with the teaching of Gourraud. The motivation is to define presence-related features and associated signaling protocols to provide presence services. This will enable the device to be located as soon as it is connected to the network.

As per claim 17, Chen-Prehn discloses all the limitations of claim 17 (see rejection above of claim 13 from which claim 17 depend).

Chen-Prehn does not disclose expressly wherein the camera is compliant with a SIP for Instant Messaging Presence Leveraging Extension protocol, SIMPLE.

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The concept of devices compliant with SIP/SIMPLE is well known in the art as illustrated by Gourraud which, teaches the camera is compliant with a SIP for Instant Messaging Presence Leveraging Extension protocol, SIMPLE (see SIP/SIMPLE – Gourraud paragraph 59).

Chen-Prehn and Gourraud are analogous art because they are from similar problem solving area, which is to communicate with devices such as cameras via instant messaging. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Chen-Prehn with the teaching of Gourraud. The motivation is to define presence-related features and associated signaling protocols to provide presence services. This will enable the device to be located as soon as it is connected to the network.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication 2002/0103917 to Kay et al, teaches automatically responding to an instant message, and requesting control of a device connected to the Internet.

US Patent Application Publication 2002/0107904 to Talluri et al, teaches delivering commands via instant messengers.

US Patent Application Publication 2004/0019683 to Lee et al, teaches access interface to web camera for control of the camera.

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US Patent Application Publication 2004/0152477 to Wu et al, teaches a mobile device identifier as the client in the instant messenger.

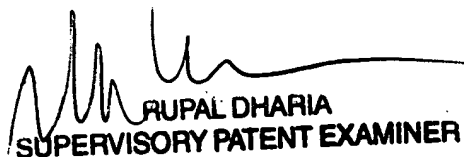
US Patent Application 20030233424 to teaches using an instant messenger to control an apparatus suing the instant messenger.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin Mabini whose telephone number is 571-270-1142. The examiner can normally be reached on Monday-Friday 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MM/

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER